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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,324	06/15/2000	Toshio Matsumura		8859

7590 04/30/2003

Wood Phillips VanSanten  
Clark & Mortimer  
500 W Madison Street Suite 3800  
Chicago, IL 60661

EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**Application No.  
**09/594,324**Applicant(s)  
**Matsumura et al.**Examiner  
**Ivars Cintins**Art Unit  
**1724**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Apr 8, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**THE PERIOD FOR REPLY [check only a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

**NOTE:** \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached supplement.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: \_\_\_\_\_
- Claim(s) withdrawn from consideration: \_\_\_\_\_
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

**IVARS CINTINS  
PRIMARY EXAMINER  
ART UNIT 1724**

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SUPPLEMENT TO ADVISORY ACTION

The Urabe declaration submitted April 8, 2003 has been entered and carefully considered, but is not deemed to be persuasive of patentability because: (1) the test results presented in "Amendment A" (referred to in paragraph 17 of the declaration) are not deemed to be unexpected; and (2) the claims in this application are not limited to the specific conditions required to produce the above noted results.

With respect to "(1)" above, it is pointed out that one of ordinary skill in the liquid purification art would readily recognize that the use of lower melt index polymers as binders for a carbon block filter will allow for higher flow rates. Applicant's attention is directed to U.S. Patent No. 4,753,728 (cited by Applicant in the IDS filed June 15, 2000), which shows that carbon block filters formed with very low melt index polymer binders (see col. 3, lines 30-37) will permit high flow rates, such as .8 and 1.0 gallons per minute (3.6 and 4.5 L/min, respectively). See TABLE II, examples 21 and 22. Since Chen et al. (U.S. Patent No. 5,882,517) clearly discloses a melt index range which encompasses all of Applicant's recited values (see col. 6, lines 19-23), it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ polymer binders with a melt index at the lower end of this

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disclosed range (i.e. between 1.1 and 2.3 g/10 min) to form the reference filter, if one wanted to maximize the flow rate through this filter.

With respect to "(2)" above, it is pointed out that the claims in this application are not limited to the specific materials and properties (i.e. a 2 to 1 ratio mixture of particulate activated carbon passed through a mesh of 60-100 and particulate activated carbon passed through a mesh of 100; 15% by weight high molecular porous polymer with a melt index of 1.5 g/10 min; a final product with a density of 0.6 g/cm<sup>3</sup>; etc.) necessary to produce the results presented in "Amendment A"; and therefore, these results are not deemed to be persuasive of patentability for claims 1 and 3-24.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
April 27, 2003